IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.49154 of 2008

RAVIKANT TEBRIWAL, SON OF OM PRAKASH TEBRIWAL RESIDENT OF VILLAGE- BARAHAT, P.S. PIRPANTTI, DISTT-BHAGALPUR ---------- **PETITIONER**

Versus

THE STATE OF BIHAR ------- **OPP.PARTY**

O R D E R

2 12-12-2008 Heard Mr. N.K.Agrawal, Sr. Advocate, the learned counsel for the petitioner as also Mr. Jharkhandi Upadhaya, the learned A.P.P. for the State.

By the order dated 8.5.2008 passed in Cr.Misc.No.17262 of 2008, the petitioner's prayer for anticipatory bail was disposed of with the observation that they shall surrender in the court below and pray for regular bail and in the event of such petition is filed by the petitioner in the court below, the court below keeping in view the fact of the petitioner having returned the money to the Post Office shall pass order in accordance with law.

WEB COPY NOT OFFICIAL

However, this order has not been complied with by the petitioner and instead he has moved this Court again for anticipatory bail on the ground that one of the co-accused, Mritunjay Kumar was granted the benefit of Section 438 (2) Cr.P.C. vide Cr.Misc.No.19615 of 2008 passed on 29th September, 2008.

Presumably, the order dated 8.5.2008 passed in Cr.Misc.No.17262 of 2008 was not brought to the notice of the Hon'ble Judge in Cr. Misc. No.19615 of 2008 which attributed to the passing of conflicting orders.

In the circumstances, the petitioner is directed to surrender in the court below and obey the directions passed in Cr.Misc.No.17262 of 2008 and in the event of such surrender the court in seisin of the case shall follow the directions given in the order dated 8.5.2008.

With the aforesaid observation, this application is disposed of.

(Abhijit Sinha, J)

NKS/-

WEB COPY NOT OFFICIAL